

RECEIVED
CENTRAL FAX CENTER

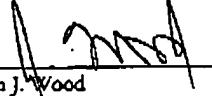
JAN 03 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sean Adams et al.	Examiner:	R. Schwadron
Serial No.:	09/397,342	Group Art Unit:	1644
Filed:	September 15, 1999	Docket:	G&C 669.24-US-U3
Title:	UCP4		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed *via facsimile transmission* to the U.S. Patent and Trademark Office on January 3, 2005.

By: 
Name: William J. Wood

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 3, 2004, please consider the following remarks:

REMARKS

The Office Action dated November 3, 2004 required election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. The three species identified in this Office Action are the host cell where the vector is one of the vectors recited in claim 13 or 14 or 15.

In response, Applicants elect the species embodied by the vector recited in claim 13. The claims readable on the elected species are claims 13 and 16. In electing the species recited in claim 13, Applicants note that claim 16 now falls under the rejoinder provisions articulated in M.P.E.P. 821.04. Specifically, the provisions of M.P.E.P. 821.04 state that if an applicant elects claims directed to a product (e.g. the product recited in claim 12), and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim (e.g. the process recited in claim 16), will be rejoined. Consequently, if claim 12 is found allowable, Applicants will then rejoin claim 16 under the provisions of M.P.E.P. 821.04.

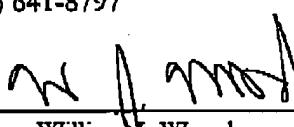
It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: January 3, 2005

By: 
Name: William J. Wood
Reg. No.: 42,236

WJW/io